

Appl. No. 10/717,099
Atty. Docket No. 7346C
Amdt. dated January 13, 2005
Reply to Office Action of November 2, 2004
Customer No. 27752

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REMARKS

No amendments to the claims are presented by the instant response. Claims 1-18 remain in this Application and are presented for the Examiner's review in light of the following remarks.

Rejections Under 35 U.S.C. §102

Claims 1-7, 12, and 13 have been rejected under 35 U.S.C. §102(b) over Caggiano, U.S. Patent No. 4,861,632. Applicants respectfully traverse this rejection and request the Examiner consider the following remarks with regards to the instant rejection:

1. Applicants claim a container for the disposal of food waste, wherein the container comprises, *inter alia*, an absorbent material having an effective amount of an odor neutralizing composition deposited thereupon.

2. The Caggiano reference describes an absorbent layer impregnated with a desiccant such as calcium chloride, silica gel, magnesium perchlorate, or any other suitable desiccant material. (4:45-48) The desiccant material ostensibly is provided to further enhance the **moisture absorbing capacity**. (4:48-49)

3. Applicants respectfully believe that one of skill in the art would understand that a desiccant would be defined to mean "a drying agent (as sulfuric acid, silica gel)." (*Webster's Third New International Dictionary, Unabridged* (1971) (copy enclosed).

4. Further, the Examiner's interpretation of a desiccant as an odor neutralizing composition is inconsistent with Applicants' definition of odor neutralizing compositions in that the odor neutralizing composition either possesses a certain structural configuration that enables absorption and elimination of odiferous molecules or components which interrupt the biological processes responsible for malodors. (Specification, p. 6)

Because the Caggiano reference does not disclose each and every element of Applicants' independent Claim 1, the Caggiano reference cannot anticipate Applicants' Claim 1 under 35 U.S.C. §102(b). Applicants therefore respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to Applicants' independent Claim 1 and all claims dependent thereupon.

Claims 1-6 and 13 have been rejected under 35 U.S.C. §102(b) over Kannankeril, U.S. Patent No. 4,927,010. Applicants respectfully traverse and request withdrawal of this rejection by the Examiner for the following reasons:

1. As discussed *supra* Applicants claim a container comprising, *inter alia*, an absorbent material having an effective amount of an odor neutralizing composition deposited thereupon.

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2. While the *Kannankeril* reference discloses that the absorbent pads may be impregnated with a bacteriostatic agent, such as a chlorine solution, this bacteriostatic agent is described as neutralizing bio-hazardous liquids in the event the disclosed container ruptures.

3. Applicants believe that one of skill in the art would understand that a bacteriostatic agent would be defined as "an agent that causes bacteriostasis [the inhibition of the growth of bacteria without destruction]." (*Webster's Third New International Dictionary, Unabridged* (1971) (copy enclosed). Thus, while the bacteriostatic agent may neutralize a bio-hazardous liquid, this is not the same as an odor neutralizing composition, as required by Applicants' Claim 1.

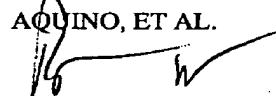
Therefore, the *Kannankeril* reference does not disclose each and every element of Applicants' claimed invention, in order to maintain a rejection under 35 U.S.C. §102(b). Since the *Kannankeril* reference does not teach, disclose, or even remotely suggest Applicants' container comprising, *inter alia*, an absorbent material having an effective amount of odor neutralizing composition deposited thereupon, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. §102(b) to Applicants' Claim 1 and all claims dependent thereupon.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
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